

E-filed 3-3-2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ANITA ACACIO, Married Woman as Her Sole
and Separate Property,

Plaintiff,

v.

ALLIANCE BANCORP, a business entity, form
unknown; FIDELITY NATIONAL TITLE, a
Business Entity, form unknown; UNIVERSAL
MARKETING GROUP, INC., a Business Entity,
form unknown, MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a Business
Entity, form unknown, and DOES 1-10, inclusive,

Defendants.

Case Number CV-10-4748-JF

ORDER¹ GRANTING MOTION TO
DISMISS WITH LEAVE TO AMEND;
VACATING HEARING DATE

[Re: Docket No. 26]

Defendant Mortgage Electronic Registration Systems, Inc. ("MERS") moves to dismiss all claims for relief in Plaintiff's complaint. Plaintiff alleges violations of the Truth in Lending Act, 15 U.S.C. § 1601 *et seq.*, violations of the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601, *et seq.*, and related state law claims. The Court concludes that this motion is appropriate for determination without oral argument and will vacate the hearing date of March 4, 2011. *See*

¹ This disposition is not designated for publication in the official reports.

1 Civ. L.R. 7-1(b).

2 Under this Court's Civil Local Rules, Plaintiff's opposition was due at least twenty-one
3 days before the noticed hearing date of March 4, 2011—here, not later than February 11, 2011. *See*
4 Civ. L.R. 7-3(a). As of the date of this order, Plaintiff has not filed opposition papers.

5 Because the instant motion appears well-taken and is unopposed, the motion to dismiss
6 will be granted with leave to amend. Any amended pleading shall be filed within twenty (20)
7 days after the date of this order.

8 **ORDER**

9 For good cause shown,

- 10 (1) the motion to dismiss is GRANTED, WITH LEAVE TO AMEND;
11 (2) any amended pleading shall be filed within twenty (20) days after the date of this
12 order;
13 (3) the hearing date of March 4, 2011 is VACATED.

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15 DATED: March 3, 2011

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17 JEREMY FOGEL
18 United States District Judge
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